IN RE: PETITION FOR RESIDENTIAL * BEFORE THE

ZONING VARIANCE
N/S Mountain Avenue, 50 ft. E * ZONING COMMISSIONER
of Hill Avenue
1927 Mountain Avenue
9th Election District
6th Councilmanic District * Case No. 92-192-A

Martin Colleran, et ux
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 1802.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 3 ft. side yard setback and 2 ft. rear yard setback for an open deck, in lieu of the required 7.5 ft. and 22.5 ft., respectively, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12 day of 22.00 ft, 1991 that the Petition for a Zoning Variance from Sections 1802.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 3 ft. side yard setback and 2 ft. rear yard setback for an open deck, in lieu of the required 7.5 ft. and 22.5 ft., respectively,, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

-2-

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING MARIANCE

92-192-1

The undersigned hereby affirms under the penalties of perjury to the Zoming Commissioner Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently reside at 1927 Mountain Ave.

Baltimore County, Md. 21234

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Besidential Zoning Veriauce at the above address: (indicate hardship or practical difficulty)

PLEASE SEE ATTACHED SHEET

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

AFFIANT (Hendwritten Signeture)

Martin Colleren

APPIANT (Printed Name)

Connie Colleran

APPIANY (Printed Name)

CHEFT OF BALFIMORE, to wit:

I HERRY CERTIFY, this MH day of OCHOBER 1991, before no, a library Public of the State of Maryland, in and for the County aforesaid, personally appeared Martin County & County Martin County appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made cath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/hor/their knowledge and belief.

as WITHESS my bend and Noterial Seal.

10-17-9/

ANULUMU (June Le 1907)
NOTERY PUBLIC
NY Commission Repires: 12-2-22



HARDSHIP CR PRACTICAL DIFFICULTY SECTION

replace the old

1. The reason for starting this project was to replace the old deck which had deteriorated over the 45 years since the house was built.

2. I wanted to have the deck at existing door for exit and entrance due to cost.

3. Because of configuration of property and the location of my home, the only feasible place for the deck was to place it on the largest opening of my property.

4. On the advice of the builder, it was necessary to tie in the structure at this part of my home.

Property is located at 1927 Mountain Ave.

ZONING DESCRIPTION 42-192-A

Beginning at a point on the North side of Mountain Avenue, which is 50' wide at the distance of 50' east of the centerline of Hill Avenue, 750' wide as recorded in Deed Liber 7891 folio 671, \$67 degrees 10' E, 115.00'; N 21 degrees 34' E, 105'; S78 degrees 16' W, 142.5'; a curve of R= 13.0-8 L= 33.20; to the place of beginning. Also known as 1927 Mountain Avenue containing .139 acres in the 9th Election District.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204 887 3353

November 29, 1991

Mr. and Mrs. Martin Colleran 1927 Mountain Avenue Baltimore, Maryland 21234

RE: Petition for Residential Zoning Variance Case No. 92-192-A

Dear Mr. and Mrs. Colleran:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

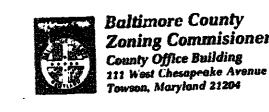
Very truly yours.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn encl.

CERTIFICATE OF POSTING
ZOHING DEPARTMENT OF BALTIMORE COUNTY

Posted for:) dridno.	
	Markey Commencer	
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Remarks:		Date of return:



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PETITION FOR RESIDENTIAL VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1B02.3.C.1 and 301.1 to permit a 3' sideyard setback and 2' rearyard setback for an open deck in lieu of the required 7.5' and 22.5 ft. respectively.

of the Zoning Regulations of Bultimore County, to the Zoning law of Bultimore County, for the following reasons (indicate hardship or practical difficulty)

PLEASE SEE ATTACHED SHEET

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

Contract Purchaser:

(Type or Print Name)

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Daltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjusy, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Legal Owner(s):
Martin Colleran (Type of Print Rome) Martin Colleran Signature
Connie Colleran (Type of Print Name) Could Colleran Signature
1927 Mountain Ave. 665-9721
Address Phone
Balto. County, Md. 21234
Name, address and phone number of lagal coner, contract purchaser or representative to be contacted.
SAME AS ABOVE
Name
Address Pages
and the second s

polition be posted on the property on or before the 10 day of 400, 19 91.

ZONING COVPRISSIONER OF BALTIPORE COURTY

Public Heading Having been requested and/or found to be required,

IT IS FURTHER DEDECTED by the Zoning Commissioner of Saltimore County, this _______ day of _______, 18_____, that the subject matter of this putition he advantised, so required by the Zoning Law of Saltimore County, in two newspapers of general elecutation throughout Saltimore County, that the property he reposted, and that the public hearing be had before the Zoning Counterlooser of Saltimore County in Recent 108, Causty Office Saltimore in Tourse, Saltimore County.



20

88 3353



October 31 : 1991

Martin and Connie Colleran 1927 Mountain Avenue Baltimore, Maryland 21234

Re: CASE NUMBER: 92-192-A
LOCATION: N/S Mountain Avenue, 50' E of Hill Avenue
1927 Mountain Avenue
9th Election District - 6th Councilmanic

Dear Petitioner(s)

111 West Chesapeake Avenue

Towson, MD 2120+

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before November 10, 1991. The closing date is November 25, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Zoning Commissioner, Baltimore County

1 1 West Chesapeake Avenue 15wson, MD 21204

887-3353

November 8, 1991

Mr. & Mrs. Martin Colleran 1927 Mountain Avenue Baltimore, MD 21234

RE: Item No. 207, Case No. 92-192-A Petitioner: Martin Colleran, et ux Petition for Residential Variance

Dear Mr. & Mrs. Colleran:

G: 192 A 1125

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

> BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS

BALTIMORE COUNTY, MARYLAND

This office has no comments for item numbers 201, 203, 204, 205, 206,

Traffic Engineer II

Mr. Arnold Jablon, Director

and Development Management

Rahee J. Famili

Z.A.C. MEETING DATE: November 5, 1991

SUBJECT: Z.A.C. Comments

207, 208 and 211.

RJF/Lvd

Office of Zoning Administration

DATE: November 20, 1991

Zoning Plans Advisory Committe Coments Date: November 8, 1991 Page 2

> Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 24th day of October, 1991.

Petitioner: Martin Colleran, et ux Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

Zoning Advisory Committee Meeting

FROM: Robert W. Bowling, P.E.

for November 5, 1991

TO: Arnold Jablon, Director DATE: November 13, 1991

Zoning Administration and Development Management

The Developers Engineering Division has reviewed

For Item 211, the lot dimensions shown on the plat

Developers Engineering Division

the subject zoning items and we have no comments for

Items 201, 203, 204, 205, 206, 207, 208, and 209.

do not agree with Plat Book 14, Folio 11.

DEED -- FEE SIMPLE -- INDIVIDUAL GRANTOR LONG FORM

- 4/891 M1671 92-192-A

in the year one thousand nine hundred and

by and between

CHARLES EDMUND ARNOLD, Personal Representative of the Estate of Elizabeth

of the first part, and

WITNESSETH, That in consideration of the sum of NINETY FOUR THOUSAND AND NO/100THS DOLLARS

Party of the first part

B DOCS 470.00

recent product

, in fee simple, all

Baltimore County, State of Maryland!

and described as follows, that is to say:
BEGINNING FOR THE SAME on the Northeast side of Mountain Avenue as same is widened by 25 feet on the Northeast side thereof, by a Deed from Joseph C. Cook to County Commissioner of Baltimore County, dated September 25, 1951, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2049, folio 394, at division lines between Lots 1 and 2, as shown on Plat accompanying said Deed (said point of beginning being North 21 degrees 34 minutes East 25 feet from a point on the first line of land described in Deed from Henry E. Doyle and wife to Joseph C. Cook, dated July 26, 1951, and recorded among the aforesaid Land Records in Liber G.D.B. No. 1996, folio 377, at a point thereon 745 feet North 67 degrees 10 minutes West from the center of Satyr Hill Road) and running thence from point of beginning of lot hereby conveyed North 21 degrees 34 minutes East 105 feet, more or less, to the Southeast side of Hill Avenue as now widened by 25 feet on the Southeast side thereof, by said Deed from Joseph C. Cook to County Commissioner of Baltimore County, and running thence along said Hill Avenue as now widened South 78 degrees 16 minutes West 142 1/2 feet, more or less; thence by a curve toward the South with a radius of 13.08 feet, for a distance of 33.20 feet, (chord of said arc being South 5 degrees 33 minutes West 24.98 feet) thence binding on the Northeast

The improvements thereon being known as No. 1927 MOUNTAIN AMENUE. BEING the same lot of ground which by Deed dated January 28, 1964, and recorded among the Land Records of Baltimore County in Liber No. 4272, folio 537, was granted and conveyed by Dan Nathanson, Inc. unto Milton Arnold and Elizabeth Arnold. The said Milton Arnold predeceased Elizabeth Arnold, thereby vesting title in the said Elizabeth Arnold absolutely. The said Elizabeth Arnold has since departed this world - see Estate No.: 63633 - Charles Edmund Arnold was

Pat Keller, Deputy Director Office of Planning and Zoning

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: November 4, 1991

SUBJECT: Bertoldl Property, Item No. 172 Koss Property, Item No. 192 Pitts Property, Item No. 193 Weimer Propety, Item No. 196 Frey Property, Item No. 197 Goodwin Property, Item No. 198 Pettit Property, Item No. 199 McQuain Property, Item No. 200 Osment Property, Item No. 201 Shapiro Property, Item No. 203 Chaney Property, Item No. 204 Colleran Property, Item No. 207 Fisher Property, Item No. 208 Wilson Property, Item No. 211

Zoning Administration and

Development Management

In reference to the petitioners' request, the staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITMS172/TXTROZ

Arnold, Party

MARTIN T. COLLERAN AND CONSTANCE E. COLLERAN, his wife, Parties

(\$94,000.00), and other good and valuable considerations the receipt whereof is hereby acknowledged, B RC F 14.00

B T TX 470.00

do es grant and convey to the said Parties of the second part, as tenants by the entireties, their heirs and assigns, the survivor of them, and the survivor's

side of Mountain Avenue, as now widened by aforesaid Deed, South 67 degrees 10 minutes East 115 feet to the place of beginning.

appointed Personal Representative of her Estate of February 29, 1988.

B B 011****150400*a 31484

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

NOVEMBER 20, 1991

Arnold Jablon Director Zoning Administration and Development Management

Location:

Special Inspection Division

#1927 MOUNTAIN AVENUE

Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

E C E I V E L 2 2 **1991**

Baltimore County Office Building Towson, MD 21204

MARTIN COLLERAN RE: Property Owner:

Zoning Agenda: NOVEMBER 5, 1991

Item No.: 207

7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Bureau

JP/KEK

RWB:s

